

June 6, 2006

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Avenue, Room 404
Seattle, Washington 98104
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**CORRECTED REPORT AND RECOMMENDATION TO THE METROPOLITAN KING
COUNTY COUNCIL**

SUBJECT: Department of Natural Resources & Parks, Water and Land Resources Division, file no.
E05CT085B
Proposed Ordinance No. **2006-0084**

Open Space Taxation (Public Benefit Rating System)
Application of
ARIE van der HOEVEN & YUKI ITO
4519 – 288th Avenue Northeast
Redmond, WA 98053

Location of Property: 4519 – 288th Avenue Northeast
Redmond, Washington

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve 0.86 acres for 50% (corrected) of market value
Department's Final:	Approve 0.86 acres for 50% (corrected) of market value
Examiner:	Approve 0.86 acres for 50% (corrected) of market value

PRELIMINARY REPORT:

The Department of Natural Resources & Parks, Water and Land Resources Division Report on item no. E05CT085B was received by the Examiner on March 20, 2006.

PUBLIC HEARING:

After reviewing the report and examining available information on file with the application, the Examiner conducted a public hearing on the application as follows:

The hearing on item no. E05CT085B was opened by the Examiner at 1:52 p.m., March 29, 2006, in the Hearing Examiner's Conference Room, 400 Yesler Way, Room 404, Seattle, Washington, and closed at 1:55 p.m.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owners: Arie van der Hoeven and Yuki Ito
4519 288th Avenue NE
Redmond, WA 98053

Property location: South of and adjacent to 4519 288th Avenue NE
Redmond, WA 98053

PBRS categories requested: **Open space resources**
Buffer to public land
Rural stewardship land
Significant wildlife or salmonid habitat
Surface water quality buffer area
Watershed protection area

Categories recommended: **Open space resources**
Aquifer protection area
Significant wildlife or salmonid habitat

COMMENT: The landowners currently own two parcels, #182507-9014 and #182507-9019. One application for PBRS was submitted for the two parcels. However, because the owners intend to sell parcel #9019 in the near future, two separate PBRS files have been created, one for each parcel: parcel #182507-9014 is PBRS file #E05CT085A and parcel #182507-9019 is PBRS file #E05CT085B.

Zoning: RA-5
Parcel no. 182507-9019
Total acreage: 2.94
Requested for PBRS: 1.29
Recommended PBRS: 0.86
STR: SE 18-25-07

2. Except as modified herein, the facts set forth in the King County Department of Natural Resources & Parks, Water and Land Resources Division, Preliminary Report for the March 29, 2006, public hearing are found correct and are incorporated herein by reference. Copies of the department report will be provided with the copies of this report submitted to the King County Council.

The staff report was revised as follows at hearing:

- A. Page 1, section A.5—total acreage is 2.94 rather than 2.95 and the recommended acreage is 0.86 rather than 0.87.

- B. Page 1, section A.5—delete the first sentence in the comment section.
 - C. Page 2, section B.5—the date of the Assessor’s information should be 03/26/06 rather than 12/16/06.
- 3. Timely application was made to King County for current use valuation of the subject property to begin in 2007. Notice of the application was given as required by law.
 - 4. The property contains priority open space resources and is eligible for a total award of 10 points under the King County Public Benefit Rating System. The resulting current use value therefore would be 50% of market value for 0.86 acres of the property.
 - 5. Credit may be awarded administratively for buffer to public land category subject to enrollment of parcel no. 182507-9014, adjacent to the north, in the PBRs program and the sale of parcel 182507-9019 before the end of 2006. Credit for this category would increase the total point award to 13 and result in a current use valuation of 40% for the enrolled portion of the property.

CONCLUSION:

- 1. Approval of current use valuation of 50% of market value for 0.86 acres of the property pursuant to the Public Benefit Rating System adopted by King County Ordinance No. 10511, as amended, would be consistent with the purposes and intent of King County to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of King County and its citizens.

RECOMMENDATION:

APPROVE current use valuation of 50% of market value for 0.86 acres of the subject property, subject to the conditions recommended in the Department of Natural Resources & Parks report for the March 29, 2006, public hearing, and the following additional condition of approval:

- 1. Credit may be awarded administratively for the buffer to public land category as stated in Finding no. 5 above. Award for this category will increase the point total to 13 and result in a current use valuation of 40% for the enrolled portion of the property.

Current use valuation shall be subject to all terms and conditions of RCW Chapter 84.34 and KCC Chapter 20.36, as may be amended from time to time, and all regulations and rules duly adopted to implement state law and county ordinances pertaining to current use valuation.

RECOMMENDED this 6th day of April, 2006.
Scrivener’s error CORRECTED this 6th day of June, 2006.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 6th day of June, 2006, to the following parties and interested persons:

Arie van der Hoeven & Yuki Ito
4519 – 288th Ave. NE
Redmond, WA 98053

Susan Monroe, Department of Assessments
Ted Sullivan, Dept. of Natural Resources & Parks
Charlie Sundberg, Office of Cultural Resources
Marilyn Cope, KCC – Committee Staff
Bill Bernstein, Dept. of Natural Resources & Parks
Sally King, Dept. of Natural Resources & Parks

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) **on or before June 20, 2006**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before June 27, 2006**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council is final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

**MINUTES OF THE MARCH 29, 2006, PUBLIC HEARING ON DEPARTMENT OF NATURAL
RESOURCES & PARKS FILE NO. E05CT085B:**

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Sally King. There were no other participants in this hearing.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 *Not Submitted*
- Exhibit No. 2 *Not Submitted*
- Exhibit No. 3 *Not Submitted*
- Exhibit No. 4 PBRs Staff Report
- Exhibit No. 5 Affidavit of Publication
- Exhibit No. 6 Notice of hearing from the Hearing Examiner's Office
- Exhibit No. 7 Notice of hearing from the PBRs program
- Exhibit No. 8 Legal notice and introductory ordinance to County Council
- Exhibit No. 9 PBRs application-signed & notarized
- Exhibit No. 10 Letter to Applicant re: received application and approval schedule
- Exhibit No. 11 Assessor's map
- Exhibit No. 12 King County Assessor's database printout
- Exhibit No. 13 Arcview/orthophoto map
- Exhibit No. 14 *Not submitted*
- Exhibit No. 15 *Reserved for future submission of* Legal description of area to be enrolled
- Exhibit No. 16 Copy of letter sent to neighbors regarding notification of PBRs application